

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ATHANASIOS LAINAS,

Plaintiff,

-against-

ANSWER
1:22-cv-00369-ARR-RML

SIROB IMPORTS, INC., and NIKOLOAS
BOBORIS,

Defendants.

Defendants, SIROB IMPORTS, INC., and NIKOLOAS BOBORIS (“Defendants”), respectfully submit their Answer to the Complaint of Plaintiff ATHANASIOS LAINAS (“Plaintiff”). Unless expressly admitted, all allegations in the Complaint are hereby denied. Defendants have adopted the headings found in the Complaint for ease of reference. However, to the extent that such headings themselves contain factual and legal characterizations, Defendants deny such characterizations.

NATURE OF THE ACTION

1. Defendants state that Paragraph 1 contains conclusions of law for which no response is necessary. To the extent a response is required, Defendants deny the remaining allegations in Paragraph 1, except to the extent that Defendants admit that Sirob Imports, Inc., maintains a business address of 21 Gear Avenue, Lindenhurst, New York 11757.

2. Defendants state that Paragraph 2 contains conclusions of law for which no response is necessary, and states that the remaining allegations of Paragraph 2 refer to the allegations of the *instant* Complaint, which speaks for itself. Defendants deny Paragraph 2’s allegations to the extent they are inconsistent with the contents of the instant Complaint.

JURISDICTION

3. Defendants state that Paragraph 3 contains conclusions of law for which no response is necessary.

VENUE

4. Defendants state that Paragraph 4 contains conclusions of law for which no response is necessary.

THE PARTIES

5. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 and, on that basis, denies those allegations.

6. Defendants admit the allegations of Paragraph 6.

7. Defendants admit the allegations of Paragraph 7.

8. Defendants state that Paragraph 8 contains conclusions of law for which no response is necessary.

Defendant SIROB IMPORTS, INC.

9. Defendants admit the allegations of Paragraph 9.

10. Defendants deny the allegations in Paragraph 10.

11. Defendants state that Paragraph 11 contains conclusions of law for which no response is necessary.

12. Defendants state that Paragraph 12 contains conclusions of law for which no response is necessary.

13. Defendants admit the allegations of Paragraph 13.

Defendant NIKOLOAS BOBORIS

14. Defendants admit the allegations of Paragraph 14.

15. Defendants state that Paragraph 15 contains conclusions of law for which no response is necessary.

16. Defendants state that Paragraph 16 contains conclusions of law for which no response is necessary.

17. Defendants state that Paragraph 17 contains conclusions of law for which no response is necessary.

18. Defendants state that Paragraph 18 contains conclusions of law for which no response is necessary.

19. Defendants state that the instant Complaint speaks for itself in that the Defendant Nikoloas Boboris is being sued individually. To the extent a response is required, Defendants deny the remaining allegations in Paragraph 19.

20. Defendants state Paragraph 20 contains conclusions of law for which no response is necessary. Defendants state that Paragraph 20 is repetitive as well. To the extent a response is required, Defendants deny the allegations in Paragraph 20.

21. Defendants state that Paragraph 21 contains conclusions of law for which no response is necessary. Defendants state that Paragraph 21 is repetitive as well. To the extent a response is required, Defendants deny the allegations in Paragraph 21.

FACTUAL ALLEGATIONS

Plaintiff ATHANASIOS LAINAS

22. Defendants admit the allegations of Paragraph 22.

23. Defendants deny the allegations of Paragraph 23.

24. Defendants deny the allegations of Paragraph 24.

25. Defendants deny the allegations of Paragraph 25.

26. Defendants deny the allegations of Paragraph 26.

27. Defendants deny the allegations of Paragraph 27.

28. Defendants state that Paragraph 28 contains conclusions of law for which no response is required. To the extent a response is required, Defendants deny the allegations of Paragraph 28.

29. Defendants state that Paragraph 29 contains conclusions of law for which no response is required. To the extent a response is required, Defendants deny the allegations of Paragraph 29.

30. Defendants deny the allegations of Paragraph 30.

31. Defendants deny the allegations of Paragraph 31.

32. Defendants deny the allegations of Paragraph 32.

33. Defendants deny the allegations of Paragraph 33.

COLLECTIVE ACTION ALLEGATIONS

34. Defendants state that the instant Complaint speaks for itself as related to the allegations of Paragraph 34. To the extent a response is required, Defendants deny the remaining allegations in Paragraph 34.

35. The allegations in Paragraph 35 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 35.

36. Defendants deny the allegations in Paragraph 36.

37. The allegations in Paragraph 37 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 37.

38. The allegations in Paragraph 38 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 38.

39. The allegations in Paragraph 39 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 39.

FIRST CLAIM

(Fair Labor Standards Act – Unpaid Minimum Wage)

40. Defendants repeat and reallege their responses to Paragraphs 1 through 39 of the Complaint as if fully set forth herein.

41. The allegations in Paragraph 41 state legal conclusions to which no response is required.

42. The allegations in Paragraph 42 state legal conclusions to which no response is required.

43. The allegations in Paragraph 43 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 43.

44. The allegations in Paragraph 44 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 44.

45. The allegations in Paragraph 45 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 45.

46. The allegations in Paragraph 46 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 46.

SECOND CLAIM

(New York Labor Law – Unpaid Minimum Wage)

47. Defendants repeat and reallege their responses to Paragraphs 1 through 46 of the Complaint as if fully set forth herein.

48. The allegations in Paragraph 48 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 48.

49. The allegations in Paragraph 49 state legal conclusions to which no response is required.

50. The allegations in Paragraph 50 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 50.

51. The allegations in Paragraph 51 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 51.

52. The allegations in Paragraph 52 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 52.

53. The allegations in Paragraph 53 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 53.

THIRD CLAIM

(Fair Labor Standards Act – Unpaid Overtime Wages)

54. Defendants repeat and reallege their responses to Paragraphs 1 through 53 of the Complaint as if fully set forth herein.

55. The allegations in Paragraph 55 state legal conclusions to which no response is required.

56. The allegations in Paragraph 56 state legal conclusions to which no response is required.

57. The allegations in Paragraph 57 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 57.

58. The allegations in Paragraph 58 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 58.

59. The allegations in Paragraph 59 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 59.

FOURTH CLAIM

(New York Labor Law – Unpaid Overtime Wage)

60. Defendants repeat and reallege their responses to Paragraphs 1 through 59 of the Complaint as if fully set forth herein.

61. The allegations in Paragraph 61 state legal conclusions to which no response is required.

62. The allegations in Paragraph 62 state legal conclusions to which no response is required.

63. The allegations in Paragraph 63 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 63.

64. The allegations in Paragraph 64 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 64.

65. The allegations in Paragraph 65 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 65.

FIFTH CLAIM

(NYLL Wage Theft Prevention Act – Failure to Provide Wage Statements)

66. Defendants repeat and reallege their responses to Paragraphs 1 through 65 of the Complaint as if fully set forth herein.

67. The allegations in Paragraph 67 state legal conclusions to which no response is required.

68. The allegations in Paragraph 68 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 68.

69. The allegations in Paragraph 69 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 69.

SIXTH CLAIM

(NYLL Wage Theft Prevention Act – Failure to Provide Wage Notices)

70. Defendants repeat and reallege their responses to Paragraphs 1 through 69 of the Complaint as if fully set forth herein.

71. The allegations in Paragraph 71 state legal conclusions to which no response is required.

72. The allegations in Paragraph 72 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 72.

73. The allegations in Paragraph 73 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 73.

SEVENTH CLAIM

(New York Labor Law – Spread of Hours Pay)

74. Defendants repeat and reallege their responses to Paragraphs 1 through 73 of the Complaint as if fully set forth herein.

75. The allegations in Paragraph 75 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 75.

76. The allegations in Paragraph 76 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 76.

77. The allegations in Paragraph 77 state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 77.

Defendants deny that the Plaintiff is entitled to any of the relief specified in the final “Wherefore” paragraph of its Complaint.

AFFIRMATIVE DEFENSE

Defendants deny that they violated the minimum wage provisions of the NYLL and FLSA; Defendants deny that they violated the overtime wage provisions of the FLSA, NYLL and NYDOL; Defendants deny that they violated the notice and record-keeping provisions of the NYLL and WTPA.

Dated: Old Brookville, New York
February 11, 2022

LAW OFFICE OF BRET L. MCCABE

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